

Message Text

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ACTION IO-10

INFO OCT-01 ARA-10 EUR-12 ISO-00 AF-06 EA-10 NEA-09 OIC-02

CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02 NSAE-00 NSC-05

PA-02 PRS-01 SP-02 SS-15 USIA-15 COME-00 EB-07 LAB-04

SIL-01 SAM-01 SAB-01 NSCE-00 MMS-04 USPS-01 TRSE-00

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FM USMISSION GENEVA

TO SECSTATE WASHDC 2204

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

USMISSION EC BRUSSELS

AMEMBASSY LONDON

AMEMBASSY MADRID

AMEMBASSY PARIS

AMEMBASSY SANTIAGO

UNCLAS SECTION 1 OF 2 GENEVA 2720

PASS LABOR FOR SEGALL, PERSONS AND QUACKENBUSH; WHITE HOUSE
AND FMCS FOR USERY

E.O. 11652: N/A

TAGS: ILO

SUBJECT: ILO TECHNICAL CONFERENCE ON PUBLIC SERVICE APRIL
7-16, 1975

REFS: A) TCSP 1975/7: DRAFT CONCLUSIONS; B) GENEVA 1830 NOTAL

THIS TELEGRAM HAS BEEN POUCHED TO: ACCRA, ADDIS ABABA, BEIRUT,
COLOMBO, COPENHAGEN, DAKAR, HELSINKI, JOHANNESBURG, KINSHASA,
KUALA LUMPUR, LAGOS, LISBON, MANILA, MELBOURNE, MEXICO CITY,
MONTEVIDEO, NAIROBI, NEW DELHI, ONTARIO, OSLO, ROME, STOCKHOLM,
TEL AVIV, TUNIS

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1. SUMMARY: CONFERENCE RECOMMENDED THAT ILO ANNUAL CONFERENCE CONSIDER AT EARLY SESSION "SUITABLE INTERNATIONAL INSTRUMENT" ON PUBLIC SERVICE. CONFERENCE ALSO DRAFTED "PRELIMINARY OUTLINE" OF POSSIBLE INSTRUMENT TO BE USED AS BASIS FOR DISCUSSION. "PRELIMINARY OUTLINE" DOES NOT CALL FOR RIGHT TO STRIKE IN PUBLIC SECTOR. FREE WORLD WORKER REPS MORE AMUSED THAN IMPRESSED BY PATENT ATTEMPTS OF POLISH AND OTHER EE REPS TO CURRY FAVOR BY SAYING IN PLENARY THEY WERE WILLING TO GO BEYOND POSITIONS IN "PRELIMINARY OUTLINE." PROPOSALS NOW GO TO ILO GOVERNING BODY FOR DECISION (GB TURNED DOWN SIMILAR RECOMMENDATION BY JOINT COMMITTEE ON PUBLIC SERVICE IN 1971).

SPOKESMAN FOR WORKER GROUP (PLANT, UK) READ TO FINAL SESSION OF PLENARY TEXT OF RESOLUTION CONDEMNING GOVERNMENT OF CHILE FOR VIOLATION OF HUMAN AND TRADE UNION RIGHTS; WORKERS RESOLUTION ADDRESSED TO ILO DG AND NOT REPEAT NOT ENDORSED BY PLENARY. ALSO NOTEWORTHY WAS CALLING TO ORDER OF CUBAN WORKERS REP (ANGEL GARCIA OS SNTS) BY CONFERENCE CHAIRMAN (D'HAESELEER, BELGIUM) FOR REMARKS SUPPORTING "INDEPENDENCE MOVEMENT" IN PUERTO RICO AND STRUGGLES AGAINST MILITARY BASES IMPOSED "BY IMPERIALISTIC POWER" IN PANAMA. GARCIA FINISHED INTERVENTION OVER HIGH BUZZ OF CONVERSATION AND SOME LAUGHTER. USDEL DID NOT REPLY. END SUMMARY.

2. CONFERENCE RESOLUTION (REF A POUCHED) RECOMMENDED TO GOVERNING BODY (1) THAT FREEDOM OF ASSOCIATION AND DETERMINATION OF CONDITIONS OF EMPLOYMENT IN PUBLIC SERVICE BE PUT ON AGENDA OF EARLY SESSION OF ILO CONFERENCE WITH VIEW TO ADOPTION OF "SUITABLE INTERNATIONAL INSTRUMENT"; (2) THAT LAW AND PRACTICE REPORT TO ILO CONFERENCE INCLUDE ELUCIDATION OF TERMS "PUBLIC SERVICE" AND "PUBLIC SERVANT"; AND (3) THAT DG BE ASKED TO DO COMPARATIVE STUDY OF TRADE UNION RIGHTS IN PUBLIC AND PRIVATE SECTORS.

3. CONFERENCE ALSO AGREED ON AND ATTACHED TO RESOLUTION A "PRELIMINARY OUTLINE OF POSSIBLE INTERNATIONAL INSTRUMENT ON PUBLIC SERVICE." (REF A) DRAFT WAS UNANIMOUSLY APPROVED IN BOTH GOVERNMENT AND WORKERS GROUPS BUT IN FINAL PLENARY UNCLASSIFIED

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SESSION THREE GOVERNMENTS RESERVED POSITION ON CERTAIN PARAGRAPHS: VENEZUELA (PARAS 11 AND 12), IRAQ (PARA 11), AND FRG (PARAS 4, 6, 7, 8, 11, 12 AND 13). RESERVATIONS LARGELY BASED ON APPARENT CONFLICT WITH AUTHORITY OF NATIONAL LEGISLATURES. JAPANESE GOVERNMENT REP RESTATED POSITION THAT INTERNATIONAL CONVENTION WAS PREMATURE BUT ACCEPTED "PRELIMINARY OUTLINE" AS BASIS FOR DISCUSSION. TEXT OF PARAS IN "PRELIMINARY OUTLINE" TOUCHING ON KEY

ISSUES FOLLOW IN PARAS 4 THROUGH 7 BELOW.

4. SCOPE OF PROPOSED INSTRUMENT (PARA 4). "THE INSTRUMENT SHOULD DEAL WITH THE POSITION OF ALL PUBLIC SERVANTS, RECOGNIZING, HOWEVER, THAT THE EXTENT TO WHICH ANY GUARANTEES PROVIDED FOR IN THE INSTRUMENT SHOULD APPLY TO THE ARMED FORCES AND POLICE SHOULD BE DETERMINED BY NATIONAL LAWS OR REGULATIONS."

5. PENALTIES ACCORDED TO EMPLOYEE ORGANIZATIONS (PARA 10). "SUCH FACILITIES SHOULD BE ACCORDED TO PUBLIC SERVANTS' ORGANIZATIONS AS ARE APPROPRIATE TO ENABLE THEIR REPRESENTATIVES PROPERLY TO CARRY OUT THEIR TRADE UNION RESPONSIBILITIES, BOTH DURING AND OUTSIDE THEIR HOURS OF WORK. THE NATURE AND SCOPE OF THESE FACILITIES SHOULD GENERALLY BE A MATTER FOR NEGOTIATION BETWEEN THE EMPLOYING AUTHORITIES AND THE PUBLIC SERVANTS' ORGANIZATIONS OR OTHERWISE BE DETERMINED BY SUCH MEASURES AS ARE APPROPRIATE."

6. SETTLEMENT OF DISPUTES (PARA 13). MUCH OF THE LANGUAGE WAS TAKEN FROM RESOLUTION #1 OF FIRST SESSION OF JOINT COMMITTEE ON PUBLIC SERVICE IN 1971. "THE INSTRUMENT SHOULD PROVIDE THAT THE SETTLEMENT OF DISPUTES ARISING OUT OF TERMS AND CONDITIONS OF EMPLOYMENT SHOULD BE SOUGHT, IN SUCH A MANNER AS MAY BE APPROPRIATE TO NATIONAL CONDITIONS, THROUGH NEGOTIATION BETWEEN THE PARTIES OR THROUGH JOINTLY AGREED INDEPENDENT AND IMPARTIAL MACHINERY, SUCH AS MEDIATION, CONCILIATION AND VOLUNTARY ARBITRATION, WITH A VIEW TO MAKING IT UNNECESSARY FOR PUBLIC SERVANTS' ORGANIZATIONS TO HAVE RECOURSE TO SUCH OTHER STEPS AS ARE NORMALLY OPEN TO ORGANIZATIONS OF OTHER WORKERS IN DEFENSE OF THEIR LEGITIMATE INTERESTS.

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7. POLITICAL RIGHTS (PARA 14). "THE INSTRUMENT SHOULD PROVIDE THAT CIVIL SERVANTS SHOULD HAVE THE SAME CIVIL AND POLITICAL RIGHTS AS ALL OTHER CITIZENS SUBJECT ONLY TO THE OBLIGATIONS ARISING FROM THEIR STATUS AND THE NATURE OF THEIR FUNCTIONS."

NOTE BY OC/T: NOT PASSED FMCS.

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UNCLAS SECTION 2 OF 2 GENEVA 2720

PASS LABOR FOR SEGALL, PERSONS AND QUACKENBUSH; WHITE HOUSE
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8. STATEMENT OF US WORKERS DELEGATE (F.S. FILBEY,
PRESIDENT, AMERICAN POSTAL WORKERS UNION, AFL-CIO).
FILBEY TOLD PLENARY HE FAVORS FULL COLLECTIVE BARGAINING
IN PUBLIC SECTOR, UNHAMPERED RIGHT TO STRIKE, UNION SHOP
AND FULL POLITICAL RIGHTS FOR PUBLIC EMPLOYEES INCLUDING
REPEAT OF HATCH ACT. FILBEY SAID POSTAL WORKERS WERE ONLY
US FEDERAL EMPLOYEES WITH FULL COLLECTIVE BARGAINING
RIGHTS AND THAT OTHER FEDERAL EMPLOYEES WERE REDUCED TO
"COLLECTIVE BEGGING." FILBEY ALSO SAID THAT IF PRESIDENT
FORD ATTEMPTED TO HOLD THIS YEAR'S WAGE INCREASED TO
PRESENT GUIDELINES OF ABOUT 5 PERCENT, POSTAL WORKERS WOULD
STRIKE WHETHER LAW PERMITTED THIS OR NOT.

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9. FOR TOKYO. SOLE NATIONAL QUARREL VOICED IN PLENARY

SESSIONS WAS SERIES OF EXCHANGES BETWEEN ISHII OF JAPANESE POSTAL WORKERS AND GOJ DELEGATION. ISHII, WHO ALSO SERVED AS CONFERENCE VICE-PRESIDENT, URGED EQUAL RIGHTS FOR PUBLIC AND PRIVATE SECTOR EMPLOYEES, EXTENSION OF ILO CONVENTIONS 87 AND 98 TO PUBLIC WORKERS, AND PROTESTED PENALTIES BY GOJ ON PUBLIC WORKERS FOR "EXERCISE OF BASIC POLITICAL RIGHTS." GOJ DEL (KATAYAMA, PRIME MINISTER'S OFFICE) SAID GOJ NOW IMPLEMENTING RECOMMENDATIONS OF TRI-PARTITE ADVISORY COUNCIL ON PUBLIC SERVICE, AND HAD RATIFIED AND WAS CONSCIENTIOUSLY APPLYING ILO CONVENTIONS 87 AND 98 IN CONTEXT OF DOMESTIC LEGAL AND ECONOMIC SITUATION. GOJ FELT BECAUSE OF OBLIGATION TO SERVE PUBLIC INTEREST THAT PUBLIC EMPLOYEES COULD NOT BE GIVEN SAME TREATMENT AS WORKERS IN PRIVATE SECTOR. KATAYAMA NOTED VARIATIONS FROM COUNTRY TO COUNTRY IN DEFINITION OF PUBLIC EMPLOYEE AND DOUBTED WHETHER COMMON DENOMINATOR IN PUBLIC SERVICE SUFFICIENTLY HIGH TO WARRANT NEW INTERNATIONAL INSTRUMENT. IN PRIVATE OFF-RECORD PROCEEDINGS OF WORKER AND EMPLOYER GROUPS WHERE "PRELIMINARY OUTLINE OF POSSIBLE INTERNATIONAL INSTRUMENT" WAS CONSIDERED, ISHII AND GOJ REPS WENT ALONG WITH CONSENSUS. ISHII REPORTEDLY MOVED FOR UNANIMOUS ACCEPTANCE OF "PRELIMINARY OUTLINE" IN WORKERS GROUP.

10. COMMENT. "PRELIMINARY OUTLINE" RATHER MILD IN THAT IT DOES NOT CALL FOR RIGHT TO STRIKE IN PUBLIC SECTOR AND RECOGNIZES CONCERN OF MANY GOVERNMENTS WITH SEPCIAL RESPONSIBILITIES OF PUBLIC EMPLOYEES. MOREOVER, ILO ACTION ON NEW INTERNATIONAL INSTRUMENT REMAINS WHERE IT WAS IN 1971, AFTER FIRST SESSION OF JOINT COMMITTEE ON PUBLIC SERVICE; AND ILO SECRETARIAT IS NOT ATTEMPTING TO SPEED UP PROCESS. BETWEEN NOW AND 1977 ILO CONFERENCE GOVERNMENTS WILL HAVE OPPORTUNITIES TO RESTATE AND REFINER POSITIONS IN ILO GOVERNING BODY AND ELSEWHERE (E.G. SECOND SESSION OF JOINT COMMITTEE ON PUBLIC SERVICE NOVEMBER 2-5). EMPLOYERS, WHO DID NOT PARTICIPATE BUT HAD THREE OBSERVERS AT SUBJECT CONFERENCE, WILL ALSO HAVE THEIR SAY IN GOVERNING BODY. DALE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETINGS, LABOR UNION OFFICIALS, INTERNATIONAL LABOR ORGANIZATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
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From: GENEVA
Handling Restrictions: n/a
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Line Count: 269
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 TCSP 1975/7.; 75 GENEVA 1830
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 01 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 JUL 2003 by maginmm>; APPROVED <02 FEB 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ILO TECHNICAL CONFERENCE ON PUBLIC SERVICE APRIL 7-16, 1975
TAGS: ELAB, OTRA, ILO
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006